

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al)	ORDER:
- vs -)	PERMITTING THE
ARAKI, Sadao, et al)	ABSENCE OF ACCUSED
)	FROM THE DOCK
)	DURING PROGRESS
)	OF THE TRIAL

This matter coming on to be heard this 23rd day of May 1947, before the Tribunal, upon the oral applications of counsel for the defense made in Chambers on the 14th and 23rd day of May 1947, which said applications request a formal order of the Tribunal permitting the withdrawal of the accused from the dock during the progress of the trial to permit of consultation with their counsel, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said applications be granted and that certain accused, upon leave first granted as hereinafter provided, may be withheld from the dock and their absence from the court room excused during the progress of the trial, to permit of consultation with their counsel, upon the following conditions:

1. Not more than four of the accused may be withheld from the dock at any one time while the trial progresses;
2. Counsel desiring to consult with their clients during the progress of the trial shall give notice to the Clerk of the Tribunal of their desire to withhold said accused from the dock, which notice shall be in writing and shall be deposited with the Clerk not later than noon of the day preceding the day when the absence of said accused is required.

Such notice shall state the date upon which the withholding of said accused is required for consultation, and the session or sessions of the Tribunal during which said accused will be absent from the dock;

and it is further

ORDERED: That the Clerk shall communicate to the President of the Tribunal during the afternoon recess period of the Tribunal the number of notices filed and the information as to the particular accused whose absence from the dock during any session of the Tribunal on the day following has been requested, whereupon the President of the Tribunal will grant leave to such accused as in his judgment are required to be withheld from the dock for the purpose of consultation with their counsel. No accused shall be withheld from the dock without leave of the Tribunal first being granted; and it is further

ORDERED: That during all times that accused are withheld from the dock for the purpose of consultation with their counsel during the progress of the trial they shall be subject to, and the consultation shall be conducted in conformance with and subject to, such security measures and regulations as may be directed and required by the Supreme Commander Allied Powers and those persons acting under his authority and in his behalf and charged with the responsibility of providing and maintaining security.

Dated at Tokyo, Japan, this 23rd day of May 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

Sitting:

The Honorable Sir William Webb
The Honorable Mr. Justice McDougall
Lord Patrick
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Roling
Major General Myron C. Cramer
Major General of Justice I. M. Zaryanov
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Jaranilla